



November 23, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29211

RE: Rulemaking Proceeding for the Purpose of Promulgating a Regulation to Help Prevent the Potential for Misleading Advertisements by Prohibiting the Sale of Customer Data by Regulated Utilities Absent a Customer's Direct Consent (See Commission Order No. 2019-877)
Docket No. 2019-387-A

Dear Ms. Boyd:

On May 28, 2021, the Legislative Council of the South Carolina General Assembly published Volume 45, Issue No. 5 of the South Carolina State Register which contained the Final Regulation of the Public Service Commission of South Carolina ("Commission") entitled "103-823.2 Protection of Customer Data." Accordingly, May 28, 2021 is the effective date for Commission Regulation 103-823.2.

Commission Regulation 103-823.2 governs the protections of customer data that is in the custody of a public utility. Dominion Energy South Carolina, Inc. ("DESC" or "Company") is a corporation organized and existing under the laws of the State of South Carolina and operates an integrated electric system as well as natural gas distribution system. Indeed, DESC is engaged in the business of generating, transmitting, delivering, and providing electricity to public and private energy users for compensation, and it is also engaged in the distribution and sale of natural gas to public and private users for compensation. Accordingly, the Company is an electrical and natural gas public utility under South Carolina law that is subject to the jurisdiction of the Commission.

Commission Regulation 103-823.2(H) requires each electrical and natural gas public utility, among others, to "[d]evelop and seek Commission approval of guidelines for implementation of this section." Moreover, the regulation requires the

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public utility to “[f]ile its initial guidelines within 180 days of the effective date of this regulation for Commission approval.” According to DESC’s calculations, November 24, 2021, is the deadline for compliance with Commission Regulation 103-823.2(H).

Enclosed for Commission approval please find a copy of DESC’s “Implementation Guidelines for Utility Customer Data” (“DESC Guidelines”). In compliance with Commission Regulation 103-823.2(H)(2), the DESC Guidelines address the following items.

1. **Customer Notice and Awareness.** The DESC Guidelines explains the practices that DESC employs to give notice to and explain to its customers the Company’s policies and procedures regarding customer information.
2. **Customer Choice and Consent.** This section of the DESC Guidelines explains certain processes so that a DESC customer may provide consent regarding customer data, may understand DESC’s use of customer data, and may correct or limit, in certain circumstances, the Company’s use of a customer’s data.
3. **Customer Data Access.** The DESC Guidelines states the measures that DESC has implemented regarding access to customer information.
4. **Data Quality and Security Procedures and Measures.** This section of the DESC Guidelines sets forth certain measures that the Company has implemented for data security and quality.
5. **Public Utility Accountability and Auditing.** This section of the DESC Guidelines explains the training protocols for employees, reporting of unauthorized disclosures, periodic evaluations, self-enforcement procedures and penalties.
6. **Frequency of Notice to Customers.** The DESC Guidelines explains the initial and annual notification of the Company’s privacy notice to its customers.
7. **Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties.** The DESC Guidelines states the measures that the Company has implemented regarding its sharing of customer information with a third party.

As evidenced by the DESC Guidelines enclosed herewith, the Company has addressed each requirement set forth in Commission Regulation 103-823.2(H) and its guidelines are in compliance with the regulation. Based upon the foregoing, DESC respectfully requests that the Commission approve the DESC Guidelines as required by 103-823.2(H).

Thank you for your consideration of this matter. If you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,



K. Chad Burgess

KCB/kms
Enclosure

cc: All Parties of Record
(via electronic and U.S. Mail w/enclosures)

Dominion Energy South Carolina
Implementation Guidelines for Utility Customer Data
Per S.C. Reg. 103-823.2

Dominion Energy South Carolina (DESC) collects and maintains information, or data, from its customers to provide regulated utility services to customers. These Guidelines describe DESC's processes regarding customer data and address the specific requirements of S.C. Reg. 103-823.2.

DESC and Dominion Energy maintain a Privacy Notice on the DESC internet website. The Privacy Notice in part provides information about how and why Dominion Energy companies, including DESC, collect, maintain, and use customer data. The Dominion Energy Privacy Notice is consistent with these Guidelines. DESC does not sell customer data and does not share customer data with a third party or an affiliated company (a) without the consent of the customer or (b) unless the sharing is accomplished in a manner provided for in Reg. 103-823.2 or in a manner that is otherwise allowable.

1. Definitions of Terms

The terms and their definitions provided by Reg. 103-823.2 are used herein; additionally, the following terms are used in these guidelines:

- a. "Business Customer" means a retail, non-residential customer of DESC.
- b. "Customer Personal Data" is a subset of Customer Data and means any information in the possession of DESC that is linked or reasonably linkable to a Residential Customer. "Customer Personal data" does not include de-identified data, publicly available information, or Utility Usage Data.
- c. "Process" or "processing" means collection, use, or retention of customer data by a third party in order to provide goods and services in relation to regulated public utility service to DESC customers.
- d. "Processor" means a natural or legal entity that processes customer data at the direction of DESC for purposes of providing goods or services in relation to regulated public utility service.
- e. "Residential Customer" means a natural person who is a customer of DESC, acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.
- f. "Utility Usage Data" is a subset of Customer Data and means usage data or information that is collected from the meter by DESC and stored in its data systems.

2. Customer Notice and Awareness

DESC utilizes the following practices to give notice to and explain to customers its policies and procedures regarding customer information, and to explain options related to customer information:

- a. Privacy Notice
 - i. DESC maintains a reasonably accessible privacy notice regarding customer information related policies. The privacy notice includes:
 1. The categories of customer personal data collected by DESC;
 2. The purpose for collecting customer personal data;
 3. The categories of customer personal data that DESC shares with third parties;
 4. The categories of third parties with whom the DESC shares customer personal data; and

5. The mechanisms for accessing and controlling customer personal data and usage data
 - ii. DESC makes its privacy notice accessible via its internet website
 - iii. DESC periodically reviews its privacy notice
- b. Energy Usage Internet Website
 - i. DESC maintains on its internet website information regarding how customers can access, view, and obtain copies of their utility usage data

3. Customer Choice and Consent

DESC provides the following processes so that a DESC customer may provide consent regarding customer data, may understand DESC's use of customer data, and may correct or limit, in certain circumstances, DESC's use of a customer's data.

- a. Customer Consent
 - i. DESC provides customers information about mechanisms for consenting to the release of or sharing of utility usage data via the DESC internet website.
 - ii. Unless otherwise provided for by law, DESC does not share, disclose, or otherwise make accessible to any third party a customer's data except upon the consent of the customer.
- b. Customer Choice
 - i. Residential Customers
 1. DESC residential customers have options to understand how DESC uses their personal data:
 - a. A residential customer may request a copy of their personal data held by DESC in its customer information system.
 - b. A customer may correct inaccuracies in the customer's personal data held by DESC in DESC's customer information system, taking into account the nature of the customer's personal data and the purposes of the processing of the customer's personal data.
 - c. DESC's Privacy Notice and internet website provide information as to how customers may contact DESC regarding these options.
 - ii. Utility Usage Information
 1. DESC provides customers various mechanisms for accessing, viewing, and obtaining copies of their utility usage information. DESC's internet website provides information on these mechanisms for customers.
 - iii. Business Customers
 1. DESC business customers may contact DESC through account managers or via DESC's internet website to understand the collection and usage of their information; to provide consent for any sharing of their information; to receive information about the business account and account information; and to correct account information.
- c. Communications Preferences
 - i. DESC utilizes customer data to communicate with its customers through various means. DESC customers may indicate preferences to DESC regarding communications means. DESC customers may adjust their communication preferences as follows:

1. Postal Mail: Customers may opt-out of receiving marketing solicitations via postal mail from DESC, joint marketing partners or other authorized third parties.
2. Email: Customers may adjust their email communication preferences to receive email communications from DESC in connection with customer use of DESC products and services, and, in some cases, DESC may contact a customer about new products or services that may be of interest. All marketing emails will include an "unsubscribe" instruction (usually found at the bottom of the email) that a customer may use to opt out of receiving future marketing-related emails from DESC.
3. Text Messaging: If a customer enrolls in a DESC text messaging service (e.g. Outage Reporting), the customer may opt-out by sending STOP to any text message received or by following the opt-out instructions in the message.
4. Mobile Applications: Customers who utilize DESC mobile applications may opt-out of receiving notifications through DESC mobile applications. A customer may either select the option to 'not allow' on the notification prompt the first time an app is opened, or if notifications are already enabled, they may be disabled for the app through Settings on a mobile device.
5. Customers also may reference DESC's Privacy Notice for information regarding adjusting communication preferences.

4. Customer Data Access

DESC implements the following measures related to access to customer information:

- a. Only certain DESC employees and appropriate Dominion Energy employees have access to DESC customer information. DESC customer information is protected in DESC systems.
- b. DESC does not allow third parties or affiliate companies to access DESC Customer Data without the written consent of the customer or unless otherwise allowable by law.
- c. DESC limits the collection of customer personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which such data is collected and utilized. DESC describes reasons for collection of personal data and use of personal data in its Privacy Notice.

5. Data Quality and Security

DESC implements the following measures for data security and quality:

- a. Data Security
 - i. Dominion Energy maintains reasonable administrative, electronic/technical, and physical data security practices to secure the confidentiality, integrity, and accessibility of customer personal data and protect it from loss, misuse, unauthorized access, disclosure, alteration, and/or destruction. Specifically, a dedicated security organization, in partnership with Information Technology and business area support teams, have implemented multi-layered defensive security tools and processes to protect infrastructure and data. These processes include a third-party risk

management review process of third-party partners and vendors. Utilizing the principle of least privilege, leading edge tools and processes, and 24x7 monitoring, Dominion Energy's security posture is forward looking, robust and regularly evolving to adapt to the changing cyber threat landscape.

b. Anonymization Standards

- i. If necessary and appropriate to anonymize or aggregate customer data, DESC will do so in a manner intended to render the data unidentifiable; that is, it will be "de-identified."
- ii. DESC will consider customer data anonymized if it does not contain Unique Identifiers and DESC does not have actual knowledge that the information could be used alone or in combination with other information to identify an individual who is a subject of the information.

6. Public Utility Accountability and Auditing

In regard to training protocol for employees, reporting of unauthorized disclosures, periodic evaluations, self-enforcement procedures, and penalties, DESC utilizes the following processes:

a. Training Protocol

- i. DESC periodically trains relevant employees on these guidelines and relevant internal processes, laws and regulations. DESC has specific training and requirements related to its customer service employees and employees who access customer information.

b. Accountability and Auditing

- i. DESC has designated a chief compliance officer who is responsible for compliance with the customer data protection regulations. This person's name and contact information is posted on DESC's Internet Websites.
- ii. DESC may conduct from time-to-time privacy assessments of the systems and processes that involve the collection, use, or sharing of customer data.
- iii. DESC performs periodic evaluations of compliance with these guidelines.
- iv. Any willful and intentional violation of these guidelines, or relevant laws and regulations, by a DESC employee may result in disciplinary action, up to and including termination.
- v. DESC contractors and vendors are required to keep confidential information, including customer data, confidential, and must follow the terms of their contracts with DESC and/or Dominion Energy.

c. Unauthorized Disclosure

- i. Should an unauthorized disclosure of customer data occur, DESC will promptly file a statement with the Commission describing the circumstances of the disclosure, the Customer Personal Data disclosed, the results of the disclosure, and the steps taken to mitigate the effects of the disclosure and prevent future occurrences.
- ii. DESC will review any confirmed or suspected data breach or disclosure incidents in compliance with relevant state or federal laws

7. Frequency of Notice to Customers

DESC implements the following practices to provide initial and annual notification of its privacy notice to customers:

- a. DESC will make residential customers initially aware of its privacy notice by including reference to the privacy notice in online enrollment materials or “welcome packet” materials
- b. DESC annually will provide reference to the privacy notice in materials provided to residential customers and will maintain a current version of the privacy notice on its internet website

8. Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties

DESC utilizes the following measures, in accordance with the regulation, when sharing customer data with third parties:

- a. DESC shares Customer Data only upon receipt of the consent of the customer or in accordance with applicable law.
- b. DESC requests that a processor’s data security and privacy practices be appropriate to the volume and nature of the customer personal data.
- c. A processor must attest to maintaining reasonable administrative, technical, and physical data security practices that protect the confidentiality, integrity, and accessibility of customer personal data.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2019-387-A

IN RE:

Rulemaking Proceeding for the Purpose of)
Promulgating a Regulation to Help Prevent)
the Potential for Misleading Advertisements)
by Prohibiting the Sale of Customer Data)
by Regulated Utilities Absent a Customer's)
Direct Consent (See Commission Order)
No. 2019-877))
_____)

**CERTIFICATE
OF SERVICE**

This is the certify that I have caused to be served this day one (1) copy of
Dominion Energy South Carolina, Inc.'s **Implementation Guidelines for Utility
Customer Data** to the persons named below at the addresses set forth via electronic mail
and U.S. First Class Mail:

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